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IN THE UNITED STATES PATENT & TRADEMARK OFFICE OFFICE OF PETITIONS

IN RE APPLICATION OF

PAUL ALEXANDER JONES, ET AL.

: EXAMINER: SPIVACK, P. G.

SERIAL NO: 10/031,339

FILED: MAY 17, 2002

: GROUP ART UNIT: 1614

FOR: NEW USE OF A MACROLIDE
COMPOUND

*For fee
only*

COMBINED RESPONSE AND CONDITIONAL PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Office communication dated August 9, 2004, Applicants respond as follows:

Statement of Facts

The present application was filed with six claims. Claim 2 reads as follows:

A method for preventing or treating acute or chronic cerebral neurodegenerative diseases, which comprises administering the compound (I) identified in Claim 1 to mammals.

In an Office Action dated September 22, 2003, the Examiner examined all the claims, including Claim 2.

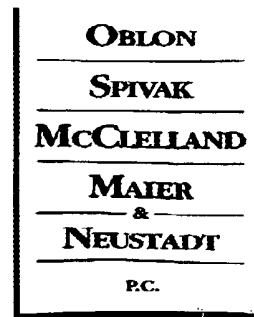
In an Amendment filed March 22, 2004, in response to the Office Action, Applicants canceled all the claims, and introduced new Claims 7-11, all drawn to a method for preventing or treating brain damage caused by ischemia or hemorrhage, which comprises administering said compound (I) to mammals.

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/031,339
Applicants: Paul Alexander JONES, et al.
Filing Date: May 17, 2002
For: NEW USE OF A MACROLIDE COMPOUND
Group Art Unit: 1614
Examiner: Spivack, P. G.

SIR:

Attached hereto for filing are the following papers:

Combined Response and Conditional Petition under 37 C.F.R. 1.181

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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